

1
2
3
4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6
7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 JUAN CARLOS MARTINEZ-
BARRAGAN,

11 Defendant.
12

NO. CR-07-2105-RHW

**FINDING OF FACTS AND
CONCLUSIONS OF LAW**

13 On April 22, 2008, a trial on stipulated facts was held in Yakima,
14 Washington. Defendant was present and represented by Kraig Gardner. The
15 Government was represented by Thomas Hanlon.

16 The parties stipulated to the following facts: (1) On or about May 3, 2007,
17 Defendant was convicted of a crime punishable by imprisonment for a term
18 exceeding one year in the Superior Court of Washington in and for Yakima
19 County; (2) the Herbert Schmidt, model HS 21S, .22 caliber pistol, serial number
20 612958, affected interstate and foreign commerce, said firearm having been
21 shipped or transported in interstate and foreign commerce; and (3) that on
22 September 18, 2007, Defendant knowingly possessed the above-referenced
23 firearm, and that at the time of the possession Defendant was located in Toppenish,
24 Washington, which is located in the Eastern District of Washington.

25 At the hearing, the Court heard testimony from Officers Danilo Hawkins and
26 Lyn Holman of the Toppenish Police Department concerning the events leading to
27 Defendant's arrest on September 18, 2007.

28 The Court finds beyond a reasonable doubt that Defendant knowingly

1 possessed a firearm that had been shipped or transported from one state to another;
2 and that at the time Defendant possessed the firearm, Defendant had been
3 convicted of a crime punishable by imprisonment exceeding one year.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. Defendant is found guilty of being a felon in possession of a firearm, in
6 violation of 18 U.S.C. § 922(g), beyond a reasonable doubt.

7 2. Sentencing is set for **July 22, 2008, at 11:00 a.m.**, in Yakima,
8 Washington.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter
10 this order and to provide copies to counsel and to the United States Probation
11 Office.

12 **DATED** this 30th day of April, 2008.

13 *S/ Robert H. Whaley*

14 **ROBERT H. WHALEY**
15 Chief United States District Judge

16 Q:\CRIMINAL\2007\Barragan\ffcl.ord.wpd
17
18
19
20
21
22
23
24
25
26
27
28